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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,587	12/08/2003	James C. Ehlinger	2003-0189	3906
26652	7590	12/14/2006	EXAMINER	
AT&T CORP. ROOM 2A207 ONE AT&T WAY BEDMINSTER, NJ 07921			LIEU, JULIE BICHNGOC	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/730,587	Applicant(s) EHLINGER ET AL.	
	Examiner Julie Lieu	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 10, 11 and 13 is/are rejected.
- 7) ☒ Claim(s) 6-7 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed October 03, 2006.

Claims 15-20 have been canceled.

2. The indicated allowability of claims 1-9 and 10-13 is withdrawn in view of the newly discovered reference(s) to Takagi et al. (US 6,700,966). Rejections based on the newly cited reference(s) follow.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

4. Claims 1-5, 8, 10, 11, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Takagi et al. (US Patent No. 6,700,966).

Claim 1:

Takagi et al. (Takagi) discloses an arrangement for indicating a status of a target to an entity that attempts to communicate with the target, the arrangement comprising:

- a. at least one sensing device 302 configured to provide sensing information concerning the target's status in response to an action of the target with respect to the sensing device; and

b. a monitoring device 100, configured to receive the sensing information from the at least one sensing device 302, and to govern communication to the entity of the target's status, the status describing at least the target's present and future ability to communicate with the entity;

c. wherein the monitoring device includes a qualifying portion configured to consult an index that associates entity identifiers with an authorization level of corresponding entities, and to qualify the communication of the target's status to the entity based on the indicated authorization level of the entity.

See figs. 2, 3, 6, and 7.

Claim 2:

In the arrangement in Takagi's

- a. the target includes a person;
- b. the status includes an indication of whether the person is present or absent;
- c. a particular sensing device is configured to perform both (A) a primary function that is not related to providing the sensing information (i.e. identifying the user), and (B) a secondary function of providing the sensing information; and
- d. the particular sensing device provides the sensing information in response to the person's use of the particular sensing device to perform the particular sensing device's primary function, so that the person does not have to explicitly perform any purely presence-related action in order to cause the particular sensing device to communicate the sensing information; that is to say, the sensing device performs ID badge reading and determines its location without the user's intervention.

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Claim 3:

The particular sensing device in Takagi's system is one of a group including:

- a. a cash register;
- b. a computer terminal, i.e. that sensors are connected to a computer terminal 600;
- and
- c. a time clock.

Claim 4:

The arrangement in Takagi's system further comprises a database 101, operatively connected to the monitoring device, and configured to store status information concerning the target. See fig. 2.

Claim 5:

The database 101 in Takagi's is configured to store status information from a group including:

- a. an indication of the person's presence or absence;
- b. a summary of the person's general work schedule;
- c. an indication of the employee's title, department or other descriptive data;
- d. an indication the person's expected date and time of return;
- e. a description of the nature of the person's absence;
- f. an indication of an alternative individual that callers might connect with in the employee's absence;
- g. an indication of how the database entry was arrived at; and

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- h. a history of recent incoming calls to the employee's extension that have gone unanswered.

Claim 8:

In the arrangement in Takagi's

- a. the target includes a person;
- b. the status includes an indication of whether the person is present or absent;
- c. a given sensing device is configured to perform both (A) a primary function that is not related to providing the sensing information (i.e. identifying the user), and (B) a secondary function of providing the sensing information; and
- d. the given sensing device is a proximity sensor configured to passively sense a physical presence of the person without the person's explicit performance of any explicitly presence-related action, that is to say, the sensing device performs ID badge reading and determines its location without the user's intervention; the proximity sensor in Takagi's being from a group including:

- i. an infrared detector;
- ii. an optical detector;
- iii. a weight detector.

Claim 10:

The rejection of claim 10 recites the rejection of claim 1, except it is a method claim.

Claim 11:

The rejection of claim 11 recites the rejection of claim 2, except it is a method claim.

Claim 13:

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The method disclosed in Takagi's includes accumulating sensing information to form status data that is stored in a database and using the status data from the database to govern .communication of the target's status to the entity.

Allowable Subject Matter

5. Claims 6, 7, and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Applicant's Remarks

6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a long, sweeping horizontal stroke extending to the right.

Julie Lieu
Primary Examiner
Art Unit 2612

Dec 06, 06